

REMARKS

Applicant thanks the Examiner for the detailed examination of this application. By this Reply, Applicant amends claims 1, 2, 15, 16, 31, 34, and 35, and cancels claims 17-30, 32, and 33 without prejudice or disclaimer. Claims 1-16, 31, 34, and 35 remain pending in the application. No new subject matter has been added. In view of the foregoing amendments and the remarks set forth below, Applicant respectfully requests the prompt re-examination and allowance of this application.

Priority

In the Office Action, the Examiner raises two issues with respect to Applicant's claim for priority. Office Action at 2. First, the Examiner notes that in order to claim the benefit under 35 U.S.C. § 119(e) or under 35 U.S.C. § 120, a specific reference to the prior-filed application must be included in the first sentence(s) of the specification following the title or in an application data sheet. Office Action at 2. In response, Applicant adds a first paragraph to the specification claiming priority to Provisional Application No. 60/262,361 ('361 application), as well as prior Canadian Patent Application Nos. 2,339,063 ('063 application) and 2,349,227 ('227 application).

Second, the Examiner asserts that the '361 application provides inadequate support or enablement for claims 3-11 of the present application. This assertion is respectfully traversed. Applicant notes that the '361 application, the '063 application, and '227 application, upon which the present application claims priority, all show examples of embodiments of the invention in varying degrees of detail. For example, the '361 application discloses at pages 19 to 20 and Figure 6, the concept of Common

Dimensions. Further, the embodiment shown in Figures 15a to 15y of the '361 application provides support for the claimed invention. Moreover, the '063 application and the '227 application from which the present application claims priority also provide support for the claims.

Accordingly, the Examiner's concerns have been addressed and Applicant requests that the claims to priority to the '361 application, the '063 application, and the '227 application be accepted.

Rejection under 35 U.S.C. § 101

Claims 1-16, 31, 34, and 35 were rejected under 35 U.S.C. § 101 as being directed towards nonstatutory subject matter. Office Action at 3. Applicant respectfully disagrees with the Examiner for the following reasons.

The Examiner asserts that claims 1 and 31 are directed to "a mere arrangement of data without function." Office Action at 4. Applicant amends claims 1 and 31 to recite that the subsets of dimensions and/or measures are "configurable to represent" the business aspects of the particular organization. Advantageously, this ability of the dimensions and/or measures to be configurable to represent the business aspects of a particular organization provides a tool allowing efficient creation of a data warehouse for a particular organization. In this manner, the business model of claim 1 and the dimensional framework of claim 31 may be applicable to many organizations, yet configurable to a particular, unique organization. Therefore, claims 1 and 31 are statutory because they recite a practical application that produces a useful, concrete, and tangible result. See MPEP 2106. For these reasons, Applicant respectfully

requests the withdrawal of the § 101 rejection of claims 1 and 31. Since claims 2-16 depend from claim 1, and therefore include each and every limitation thereof, Applicant respectfully requests the withdrawal of the § 101 rejection of these claims as well.

With respect to claims 34 and 35, the Examiner asserts that the term “representing” is a non-functional descriptor “imparting abstract meaning but no functionality within or on the claimed arrangement of data.” Office Action at 4. Applicant amends claims 34 and 35 to recite that the subsets of dimensions and/or measures are “configurable to represent” the business aspects of the particular organization. As mentioned above, this ability of the dimensions and/or measures to be configurable to represent the business aspects of a particular organization provides a tool allowing efficient creation of a data warehouse for a particular, unique organization. As such, claims 34 and 35 recite a practical application imparting functionality on the claimed subject matter. That is, these claims are statutory because they recite a practical application that produces a useful, concrete, and tangible result. See MPEP 2106.

Therefore, Applicant respectfully requests the withdrawal of the § 101 rejection of claims 34 and 35. Claim 17 was rejected under 35 U.S.C. § 101 as being directed to nonstatutory subject matter. Office Action 5. Specifically, the Examiner asserted that claim 17 recites a manipulation of abstract ideas that fails to produce a useful, concrete, and tangible result that can be ascertained. Office Action at 5. While Applicant disagrees with this assertion, Applicant has cancelled claim 17 without prejudice or disclaimer.

Double Patenting Rejections

Claim 35 was provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claim 44 of copending Application No. 09/987,905. Applicant requests reconsideration of this rejection. Claim 44 of the copending application recites, for example, “dimensions having placeholders settable set such that the dimensional framework represents the particular organization,” while claim 35 of the present application does not.

Claims 1, 17 and 34 were provisionally rejected on the ground of nonstatutory double patenting over claim 2 of copending Application No. 09/987,905. Applicant requests reconsideration. Applicant notes that independent claim 1 of the co-pending application recites, among other things, “a configuration unit,” as part of a system, “for setting the placeholders such that the data model represents the particular organization.” Claim 2 of the copending application depends from claim 1 of the copending application, and therefore includes each and every limitation thereof. In contrast, claims 1 and 34 of the present application do not recite these features. Therefore, Applicant submits that claims 1 and 34 of the present application are not in conflict with claim 2 of the copending application. For these reasons, Applicant requests that the provisional double patenting rejections of claims 1, 34, and 35 be withdrawn. Further, claim 17 has been cancelled without prejudice or disclaimer thereof.

Rejection under 35 U.S.C. § 112

Claims 1-16, 31, 34 and 35 were rejected under 35 U.S.C. § 112 as being indefinite. Applicant respectfully requests reconsideration of this rejection.

The Examiner asserts that the term “representing” is considered as a non-functional descriptor. Office Action at 4. Applicant has amended independent claims 1, 31, 34, and 35 to recite that the subsets of dimensions and/or measures are “configurable to represent” the business aspects of the specific organization. As such, these claims particularly point out and distinctly recite the claimed subject matter. Therefore, Applicant respectfully requests the withdrawal of the § 112 rejection and the timely allowance of claims 1, 31, 34, and 35. Further, since claims 2-16 depend from claim 1, and therefore include each and every claim limitation thereof, Applicant respectfully requests the withdrawal of the § 112 rejection and the timely allowance of these dependent claims as well.

Rejection under 35 U.S.C. § 102

Claim 17 was rejected as being anticipated by “Data Modeling Techniques for Data Warehousing,” IBM Redbook, February 1998, by Ballard et al. While Applicant disagrees with this rejection, Applicant has cancelled claim 17 without prejudice or disclaimer. Accordingly, the § 102 rejection of claim 17 is moot and should be withdrawn.

Rejection under 35 U.S.C. § 103

Claims 18-30, 32, and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,212,524 to Weissman et al. in view of WO 2000/042553 to Gardepe et al. While Applicant disagrees with this rejection, Applicant has cancelled claims 18-30, 32, and 33 without prejudice or disclaimer thereof. Accordingly, § 103(a) rejection is moot and should be withdrawn.

Requirement for Information under 37 CFR § 1.105

The Examiner has requested further information from Applicant and Assignee. Office Action at 21. The requested documentation and information is not readily obtainable to Applicant and/or Assignee. See 37 CFR § 1.105(a)(4). As such, Applicant and Assignee need more time to search for and obtain such information, if available. Applicant will submit such information if and when it can be obtained.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based on the arguments presented in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The pending claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advance without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims.

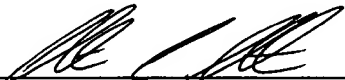
Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

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